

Exhibit 1

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July 2, 2024

RE: “Remnant Defendants” on the MDL 2804 Docket – July 31, 2024 Deadline

Dear Counsel:

The MDL Court has asked the PEC to issue this letter to all plaintiffs’ counsel. As described below, **for each of your cases, you should please choose from two options:** (1) voluntarily dismiss your claims against each “Remnant Defendant” in each of your cases; or (2) submit a declaration stating you will spend the time and money necessary to pursue litigation against each Remnant Defendant in each case.

EXPLANATION: The PEC and the Court have reviewed all cases filed in MDL 2804 and have identified many cases naming “Remnant Defendants.” Remnant Defendants are entities that, for strategic, legal, or financial reasons, the PEC is not targeting. These include individual doctors, independent pharmacies, small health clinics, and other minor entities. A full list of these Remnant Defendants, and the MDL cases in which they are named, is attached.

The Court has asked the PEC to address these Remnant Defendants and **encourage all plaintiffs’ counsel to dismiss them without prejudice at this time.**

If you do not voluntarily dismiss your claims against these Remnant Defendants, the likely alternative is for the Court to remand your case with these Defendants to transferor courts. However, before doing so, the MDL Court may issue a Show Cause Order requiring you to explain how and why you intend to pursue litigation against each Remnant Defendant. The MDL Court may also set additional conditions or requirements before allowing remand and litigation against a Remnant Defendant to proceed.

Accordingly, at the request of the Court, the PEC asks you to review the attached spreadsheet. On the spreadsheet, you should indicate, for each Remnant Defendant you have sued, and for each case in which you have sued them, whether you intend to dismiss your claims or proceed with litigation. **If you do not intend to dismiss a given Defendant in a given case, you must submit to the Court (via the PEC) a declaration providing the following:** (i) a cogent reason why you are pursuing litigation against that Defendant; (ii) a promise that you are personally committed to spending the time and money litigating that case against that Defendant; and (iii) an acknowledgement that, if the Court chooses your case as a bellwether and you dismiss your claim against a Remnant Defendant, you may be subject to sanctions.

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The Court will review all such declarations before deciding whether to remand any case.

The PEC has not evaluated the liability or collectability of any of these Remnant Defendants and therefore makes no recommendation.

Please respond by email to Sheila Schebek at remnantdefendants@spanglaw.com by July 31, 2024. You must use the dropdown list for the attached spreadsheet. Do not add any additional information on the sheet. Save the spreadsheet and attach it to your email. Should you be submitting a declaration, it must be a separate document attached in the same email.(Do not provide your reason for litigating against a defendant in the body of the email.) If you intend to voluntarily dismiss without prejudice, please file the notice/motion for dismissal on the docket of the individual case.

Very truly yours,



Peter H. Weinberger
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